

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KEITH E. BROWN EL,

Plaintiff,

v.

DENISE WEAVER, et al.,

Defendants.

No. 4:19-CV-990 NCC

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. On April 24, 2019, plaintiff Keith E. Brown El filed this action seeking relief under 42 U.S.C. § 1983. However, plaintiff's *pro se* complaint was not drafted on a Court-provided form and plaintiff neither paid the filing fee nor submitted a motion to proceed without prepaying fees or costs. On May 14, 2019, the Court ordered plaintiff to file an amended complaint on the Court-provided form, and to either pay the \$400 filing fee or submit a motion to proceed without prepaying fees or costs. ECF No. 3. Plaintiff requested, and was granted, two extensions of the deadline to comply with the Court's May 14, 2019, Order. ECF Nos. 6 & 11. Plaintiff's response was due by August 29, 2019.

To date, plaintiff has filed nothing responsive to the Court's May 14, 2019, Order. Nor has plaintiff sought a third extension of time to do so. Plaintiff was


given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to plaintiff's failure to comply with the Court's May 14, 2019, Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 9th day of September, 2019.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE